IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2600 OF 2006

Vinayak R. Narvekar & Ors. ....Petitioners
V/s.
Ms.Sunita Sunil Salunke ....Respondent

Mr.A.M. Joshi for the Petitioners.
Ms.Lalita Panchakshari for the Respondent.

CORAM : R.M. SAVANT, J.
DATED : 21ST MARCH, 2007.

P.C. :

1. By this Petition under Article 227 of the Constitution of India, the Petitioners impugn the order dated 16.2.2006, passed by the Second Additional Judge, Small Causes Court, Pune. By the said order, the application Exhibit-25 filed by the Respondent is allowed.

2. The Petitioners are the landlords of the premises in question. The Respondent herein claims to be a tenant, who has filed Civil Suit No.153 of 2005 in the Small Causes Court at Pune, apprehending her eviction from the suit premises. It appears that in the said suit, a preliminary issue was raised by the Petitioners herein regarding the jurisdiction of the

Rent Court. The said issue was decided against the Petitioners by the trial Court. Against the said Decision of the trial Court, the Petitioners have filed Civil Revision Application No.18 of 2006, challenging the order passed on the said application raising the preliminary issue. The said Civil Revision Application is pending in this Court for admission.

3. The Petitioners were constrained to file the application Exhibit-25, in view of the fact that the electricity to the suit premises came to be disconnected. It is a contentious issue between the parties as to who was responsible for the said disconnection. Be that as it may, the Court hearing the said Civil Revision Application No.18 of 2006 granted liberty to the Respondent herein to move an application for restoration/re-connection of the electricity supply. The said application was heard by the learned Second Additional Judge, Small Causes Court, Pune, who by the impugned order allowed the said application and accordingly has held that the Applicant - Respondent herein is entitled for getting the electricity supply from the M.S.E.B. at her own accord by submitting an application to that effect. Pursuant to the said order dated 16.2.2006, the

premises occupied by the Respondent has been reconnected with the electricity supply by installation of the meter etc. by the M.S.E.B.

4. It is the contention of the learned counsel for the Petitioners that since the issue regarding the jurisdiction of the Rent Court, is pending before this Court in Civil Revision Application No.18 of 2006, and since the order passed by the Small Causes Court, Pune is on the basis of assumption of the relationship of landlord and tenant, the decision in the said Civil Revision Application could have a vital bearing on the Petitioners' entitlement under the provisions of Section 29 of the Maharashtra Rent Control Act, 1999, though it is true that the said Civil Revision Application is pending for admission, the issue as regards the jurisdiction of the Rent Court has already been decided by the trial Court which has held that there is relationship of landlord and tenant and therefore, the suit filed in the Rent Court would be maintainable.

5. In that view of the matter, I do not see any error of jurisdiction committed by the Small Causes Court, Pune in passing the impugned order dated 16.2.2006 on the application filed by the Respondent.

The Petition is therefore dismissed.

6. However, it is made clear that in case the issue regarding the jurisdiction is decided in favour of the Petitioners, in the said Civil Revision Application, the Petitioners would be entitled to adopt such proceedings as are available to them in law against the Respondent in the matter of reconnection of the electricity supply.

7. Ms.Panchakshari, the learned counsel for the Respondent states that her client is not interested in prosecuting the Petitioners under the provisions of Section 29 of the Maharashtra Rent Control Act, 1999 and what they really were interested in was getting the electricity supply.

(R.M. SAVANT, J.)